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## 12 | Plaintiffs' Interim Class Counsel

13 || [Additional Counsel on Signature Page]

18 IN RE CONAGRA FOODS, INC. } Case No. CV 11-05379-MMM (AGRx),  
19 } MDL NO. 2291  
20 } **CLASS ACTION**  
21 }  
22 } **NOTICE OF MOTION AND**  
23 } **MOTION FOR CLASS**  
24 } **CERTIFICATION AND**  
25 } **APPOINTMENT OF CLASS**  
} **COUNSEL**  
} DATE: July 14, 2014  
} TIME: 10:00 a.m.  
} CTRM.: 780  
} JUDGE: Hon. Margaret M. Morrow

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 14, 2014, at 10:00 a.m., or as soon  
3 thereafter as they may be heard, in Courtroom 780 of the United States District  
4 Court for the Central District of California, 255 East Temple Street, Los Angeles,  
5 California, 90012, Plaintiffs Robert Briseño, Michele Andrade, Jill Crouch, Julie  
6 Palmer, Pauline Michael, Cheri Shafstall, Dee Hopper-Kercheval, Phyllis  
7 Scarpelli, Kelly McFadden, Necla Musat, Maureen Towey, Erika Heins, Rona  
8 Johnston, and Anita Willman will, and hereby do, respectfully move this  
9 Honorable Court to certify this action as a class action against Defendant, ConAgra  
10 Foods, Inc., and enter an Order defining the classes, appointing class counsel, and  
11 also finding:

12 1. That the prerequisites and requirements for certification of a class  
13 action under Rules 23(a), 23(b)(2), 23(b)(3), and 23(c)(4) of the  
14 Federal Rules of Civil Procedure have been satisfied on the following  
15 bases:

16 a. The number of Class members is so numerous that joinder of all  
17 members thereof is impracticable;

18 b. There are questions of law and fact common to each of the Classes;

19 c. The claims of the Class Representatives are typical of the claims of  
20 each of the Classes they seek to represent;

21 d. The Class Representatives will fairly and adequately represent the  
22 interests of each of the Classes they respectively seek to represent;

23 e. The questions of law and fact common to the members of each of  
24 the Classes predominate over any questions affecting only  
25 individual members of each of the Classes;

26 f. A class action is superior to other available methods for the fair  
27 and efficient adjudication of the controversy;

- 1 g. Defendant, ConAgra Foods, Inc. (“ConAgra”), has acted or refused  
2 to act on grounds that apply generally to the Classes, so that final  
3 injunctive relief or corresponding declaratory relief is appropriate  
4 with respect to each of the Classes as a whole;
- 5 h. Alternatively, certifying the Classes respect to particular issues is  
6 appropriate pursuant to Federal Rule of Civil Procedure 23(c)(4);  
7 and
- 8 i. The law firms of Milberg LLP and Grant & Eisenhofer P.A. will  
9 fairly and adequately represent the interests of each class as Class  
10 Counsel and are adequate Class Counsel under all of the factors set  
11 forth in Federal Rule of Civil Procedure 23(g)(1) and (4).

12 2. That the following Classes are certified by the Court:

- 13 a. Robert Briseño and Michele Andrade as class representatives for a  
14 class consisting of all persons in California who purchased Wesson  
15 brand cooking oils, including Wesson Vegetable Oil, Wesson  
16 Canola Oil, Wesson Corn Oil, and Wesson Best Blend  
17 (collectively, “Wesson Oils”) between June 28, 2007, and the  
18 present (the “California Class”).
- 19 b. Jill Crouch as class representative for a class consisting of all  
20 persons in Colorado who purchased Wesson Oils between January  
21 12, 2009, and the present (the “Colorado Class”).
- 22 c. Julie Palmer as class representative for a class consisting of all  
23 persons in Florida who purchased Wesson Oils between January  
24 12, 2008, and the present (the “Florida Class”).
- 25 d. Pauline Michael as class representative for a class consisting of all  
26 persons in Illinois who purchased Wesson Oils between January  
27 12, 2007, and the present (the “Illinois Class”).

- 1 e. Cheri Shafstall as class representative for a class consisting of all
- 2 persons in Indiana who purchased Wesson Oils between January
- 3 12, 2006, and the present (the “Indiana Class”).
- 4 f. Dee Hopper-Kercheval as class representative for a class
- 5 consisting of all persons in Nebraska who purchased Wesson Oils
- 6 between January 12, 2008, and the present (the “Nebraska Class”).
- 7 g. Phyllis Scarpelli as class representative for a class consisting of all
- 8 persons in New Jersey who purchased Wesson Oils between July
- 9 14, 2005, and the present (the “New Jersey Class”).
- 10 h. Kelly McFadden and Necla Musat as class representatives for a
- 11 class consisting of all persons in New York who purchased
- 12 Wesson Oils between January 12, 2006, and the present (the “New
- 13 York Class”).
- 14 i. Maureen Towey as class representative for a class consisting of all
- 15 persons in Ohio who purchased Wesson Oils between January 12,
- 16 2006, and the present (the “Ohio Class”).
- 17 j. Erika Heins as class representative for a class consisting of all
- 18 persons in Oregon who purchased Wesson Oils between January
- 19 12, 2006, and the present (the “Oregon Class”).
- 20 k. Rona Johnston as class representative for a class consisting of all
- 21 persons in South Dakota who purchased Wesson Oils between
- 22 January 12, 2006, and the present (the “South Dakota Class”).
- 23 l. Anita Willman as class representative for a class consisting of all
- 24 persons in Texas who purchased Wesson Oils between January 12,
- 25 2010, and the present (the “Texas Class”).
- 26 3. That governmental entities; ConAgra, and its affiliates, subsidiaries,
- 27 employees, current and former officers, directors, agents, and
- 28

representatives; and the members of this Court and its staff are excluded from the Classes;

4. That Milberg LLP and Grant & Eisenhofer P.A. are appointed as Class Counsel for each of the aforementioned Classes; and
5. That the Court will direct the form of notice to the Classes pursuant to Federal Rule of Civil Procedure 23(c)(2) by separate Order.

7 This Motion is based on this Notice, the accompanying Memorandum of  
8 Points and Authorities, the accompanying Declarations of Henry Kelston (“Kelston  
9 Decl.”), Colin Weir, and Charles M. Benbrook, all other pleadings and papers on  
10 file in this action, and such oral and documentary evidence and argument as may  
11 be presented at the time of hearing.

12 This Motion is made following conferences of counsel pursuant to Civil  
13 Local Rule 7-3 regarding Plaintiffs' scheduled motion for class certification, which  
14 took place at various points during March and April 2014.

16 DATED: May 5, 2014

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